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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,553	09/22/2003	Solomon Emeth	70203.010300	9994

33717 7590 10/01/2004

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EXAMINER

HOEY, ALISSA L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,553

Applicant(s)

EMETH, SOLOMON

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 and 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-9, 15 and 16 in the reply filed on 04/12/04 is acknowledged. Additionally, Applicant elected species claims 1-9 and 16 where the billboard garment is attached to the back of the garment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 9 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn (US 2,527,258).

In regard to claim 9, Kahn teaches a garment having a main body portion (11) with a front and back adapted to be worn by an individual for presenting a removable billboard display (10) to a viewer. The billboard display (10) removably attached to the back (11) and the display having indicia on one side thereof away from the back and removably secured to the back by a plurality of spaced interconnecting quick release means (column 2, lines 37-42). The quick release means (13, 17) covered by flap means (figures 2 and 3, identifiers 12 and 13) encircling at least a portion of the billboard display (10). The flap means having an underside with the quick release means thereon (figures 2 and 3, identifiers 16, 13).

In regard to claim 16, Kahn teaches a garment having a main body portion (11) with a front and back side adapted to be worn by an individual for presenting a removable billboard display (10) to a viewer (figure 1). A billboard display (10)

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removably attached to one side of the main body portion and the display having indicia on one side thereof away from the one side (figure 1). The display is removably secured to the one side by a plurality of spaced interconnecting quick release means (13, 17) and the quick release means normally covered by the flap means (12, 16, 11) encircling at least a portion of the billboard display (figure 2 and 3). Flap means having an underside with the quick release means thereon (figure 3, identifiers 16, 13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn in view of Rassner (US 2,647,261).

Kahn provides a garment adapted to be worn by an individual comprising at least a main body portion (11) having a front and back adapted to cover the upper torso of an individual (figure 1). A removable billboard panel (10) connected to the back portion of the garment and retain by a plurality of spaced quick release mating elements (13 and 17) associated with both the billboard panel (10) and back of the garment. The Billboard panel (10) having one side thereof disposed against the garment and indicia on the other side thereof opposite the side disposed against the garment and movable from a first position (figure 1 and 2). The plane of the billboard panel (10) is generally parallel to the plane of the back of the garment in a direction generally normal to the panel of the

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back of the garment abutting against the back of the garment (figure 1). The quick release mating elements (13, 17) being covered by a flaps (12, 11, 16) integral with the back of the garment forming a partial border around the billboard panel so that the quick release mating elements are not visible from the outside of the garment (figures 1-3). Further, Kahn teaches a the quick release mating elements (13, 17) adapted to be releasably secured to a second mating element (figure 2). The first mating elements are provided on the underside of the flaps and the second mating elements are provide on the side of the billboard panel away form the back of the garment (figures 2 and 3, identifiers 13, 10, 11). The flaps normally cover the first mating elements when the billboard panel is removed from the garment and the flaps normally cover the first and second mating elements when the billboard panel is secured to the garment (figures 2 and 3, identifiers 13, 11, 15).

However, Kahn fails to teach the billboard panel covering the back portion of the garment and a first, second and third flap covering the fastening elements.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the a first, second and third flap covering the fastening elements because Applicant has not disclosed that a first, second and third flap provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the first, second and third flaps or one continuous flap as long as the fastening elements are covered by a flap.

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Therefore, it would have been an obvious matter of design choice to modify Kahn to obtain the invention as specified in claim 1.

Rossner provides a garment having billboard panel covering the back portion of the garment (figures 1-4, identifiers 36 and 17).

It would have been obvious to have provided the billboard garment of Kahn with the billboard covering the back portion of Rossner, since the billboard garment of Kahn provided with the billboard covering the back portion of the garment would allow for the billboard to be removed and the garment still having a back panel portion to keep the user warm if no billboard display was desired to be worn.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn and Rassner as applied to claim 1 above, and further in view of Gershman (Velcro Digest).

Kahn and Rassner fail to teach the fastening elements being hook and loop fastening elements.

Gershman provides the equivalence of zipper, buttons, snaps and hook and loop fasteners (see article).

It would have been obvious to have provided the billboard garment of Kahn and Rassner with the hook and loop fastening elements of Gershman, since hook and loop fastening elements provided on the billboard garment of Kahn and Rassner would provide elements that can withstand launderings without rusting.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson, Lam, Green, Anderson, Cohen, Hans, Slood, Wallace,

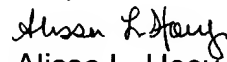
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Kallas, Knittel, Bontems, Jeziak et al. and Torres are all cited to show closely related garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (703) 308-6094. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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